

**Jones, Paula K - CHP-PSB2**

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**From:** Jones, Paula K - CHP-PSB2  
**Sent:** Thursday, October 25, 2001 2:55 PM  
**To:** Tollefson, Gene - CILR-4

Wanted to let you know that I am forwarding a FOIA request from Ervien Zapfe. His letter was sent here from headquarters, with a date of 10/19/01 (date stamped in on 10/23/01). I'm also enclosing copies of previous correspondence which relates to Mr. Zapfe.

I also had a call from a representative from the Veteran's Administration who is conducting an investigation for Mr. Zapfe, and is requesting a copy of the selection certificate. I called him and told him that I work through you for any information sent, and gave him your phone number. His name is Greg Mercer and his phone number is 360-438-4600. *(He's also sending you a letter)*.

I'm new to BPA, so if there's something I need to know, or do differently, please let me know. Thanks for your help.

Paula Jones  
Human Resources Specialist  
BPA-Staffing Center  
(360) 418-2096

*Swan P. Custard*  
*CHP-1*

*X3056*

*Summary Human Resources Spec.*

RECEIVED BY BPA FOIA OFFICE THIS DATE: <i>10-29-01</i>
DUE DATE: <i>11-27-01</i>
LOG # <i>02-006</i>

**Erwien Zapfe**  
2106 nw 8th ave  
Battle Ground WA 98604  
Home Phone 360-666-1539

October 19, 2001

OCT 23 2001

Bonneville Power administration  
PO Box 3621  
Portland OR 97208-3621

Dear Sir:


I am requesting under freedom of information act, 5.U.U.C. 552 and the Office of Personnel management (OMP) which states ( **A preference eligible who is passed over on the list of eligibles is entitled , upon request , to a copy of agencies reasons for the passover and the examining offices response.** ) This is a quote right out of the Book.

2 I request a copy of why I was passed over and the examining offices response , Not how you passed me over but why I was passed over. The letter from the congressman's office which is the only response I have gotten only states how **you** passed me over. You did state that a lesser qualified person below me was hired. after I recieved a letter, I only material ever recieved after applying for this job, It stated you were rated ( best qualified but someone else was choose ) only 3 were. I made a request back then for why was never furnished with this information. Actually told no. **So this time under freedom of infomation act and OPM regulations ( I request why I was past over, not how you did it, and the examining offices response).**

I do accept the cost of handling and coping this material.

THis is for job ann # 000233-01-DE Carpenter job BB4607 I will exspect a responce in 10 days as provided by law.

**Erwien Zapfe**



## **Department of Energy**

Bonneville Power Administration  
P.O. Box 491  
Vancouver, Washington 98666-0491

March 20, 2001

In reply refer to: CHM-1

The Honorable Patty Murray  
United States Senate

Dear Senator Murray:

This is written in response to your inquiry on behalf of Mr. Ervien L. Zapfe.

Mr. Zapfe applied for and was referred for employment consideration for permanent Carpenter positions on April 6, 2001. The certificate of eligibles was issued to fill two vacancies. Prior to making selections, management submitted a request to fill a third vacancy from the certificate.

The top four candidates referred were all veterans. Mr. Zapfe was referred at the top of the certificate; his score was adjusted by 10 points based on his preference as a compensable veteran. His compensable veteran's preference entitled him to be placed at the top of the register for referral. Another compensable veteran was listed immediately below Mr. Zapfe on the certificate. This veteran's score was also adjusted by 10 points, and he was also entitled to placement at the top of the register for referral. His name was listed below Mr. Zapfe as his adjusted score was lower than Mr. Zapfe's score.

The third and fourth applicants referred for consideration were both veteran preference eligibles; however, they were not compensable veterans. Their scores were adjusted by 5 points. Although both of them received higher scores than Mr. Zapfe and the other compensable veteran, they were not entitled to placement on the certificate above Mr. Zapfe and the other veteran because they were not compensable veterans.

The selecting official selected the three veterans listed below Mr. Zapfe to fill his jobs. Section 8.12.E of the Delegated Examining Operations Handbook (A Guide for Federal Agency Examining Units) published by the Office of Personnel Management permits the selection of a lower standing preference eligible even if the selectee has a lesser category of preference. The example used is that a 5 point veteran may be selected instead of a higher ranking compensable veteran as long as selection occurs within the Rule of Three. Section 8.12.C of the Handbook further states that an eligible who has been with reach for selection three times in accordance with the Rule of Three and who has been nonselected three times when other eligibles were selected instead may be eliminated from further consideration. If Bonneville Power Administration fills additional Carpenter vacancies, Mr. Zapfe is entitled to no further

consideration for such vacancies, unless he recompetes in the Carpenter examination and obtains a higher rating.

Mr. Zapfe also expresses concern about his numerical rating. Subject matter experts in the carpentry occupation rated the applicants who applied for the Carpenter announcement. Mr. Zapfe's score is based on the subject matter experts' assessment of his experience as described in his application. A higher score would not have provided Mr. Zapfe with a higher level of preference or consideration for Carpenter jobs.

A review of the delegated examining file for Carpenter shows that Mr. Zapfe received the preference and the consideration to which he is entitled in accordance with the Code of Federal Regulations and the Delegated Examining Operations Handbook. Mr. Zapfe is not, however, entitled to receive a job offer on the basis of his veteran's preference.

We appreciate the opportunity to provide Mr. Zapfe with an explanation of veteran's preference in the Federal hiring process, and we appreciate his interest in employment with Bonneville Power Administration.

Sincerely,

Steve Wright  
Acting Administrator,  
Bonneville Power Administration

**Department of Energy**

Bonneville Power Administration  
P.O. Box 491  
Vancouver, Washington 98666-0491

June 21, 2001

In reply refer to: CHM-1

Mr. Erwein L. Zapfe  
2106 NW 8<sup>th</sup> Avenue  
Battle Ground, WA 98604

Dear Mr. Zapfe:

This is written in response to your request for copies of records concerning your application for Carpenter which you submitted under Announcement 000233-01-DE. The following materials are provided in accordance with Privacy Act provisions: A copy of your application, a copy of your rating sheet, a copy of the referral (sanitized) which was issued for the Carpenter vacancies, and a copy of the selection certificate.

Sincerely,

Susan P. Custard  
Manager, Acquiring and Positioning,  
Personnel Services

## **Department of Energy**

Bonneville Power Administration  
P.O. Box 491  
Vancouver, Washington 98666-0491

June 20, 2001

In reply refer to: CHM-1

The Honorable Brian Baird  
The United States House of Representatives

Dear Mr. Baird:

This is written in response to your inquiry on behalf of Mr. Ervien L. Zapfe.

Mr. Zapfe applied for and was referred for employment consideration for permanent Carpenter positions on April 6, 2001. The certificate of eligibles was issued to fill two vacancies. Prior to making selections, management submitted a request to fill a third vacancy from the certificate.

The top four candidates referred were all veterans. Mr. Zapfe was referred at the top of the certificate; his score was adjusted by 10 points based on his preference as a compensable veteran. His compensable veteran's preference entitled him to be placed at the top of the register for referral. Another compensable veteran was listed immediately below Mr. Zapfe on the certificate. This veteran's score was also adjusted by 10 points, and he was also entitled to placement at the top of the register for referral. His name was listed below Mr. Zapfe as his adjusted score was lower than Mr. Zapfe's score.

The third and fourth applicants referred for consideration were both veteran preference eligibles; however, they were not compensable veterans. Their scores were adjusted by 5 points. Although both of them received higher scores than Mr. Zapfe and the other compensable veteran, they were not entitled to placement on the certificate above Mr. Zapfe and the other veteran because they were not compensable veterans.

The selecting official selected the three veterans listed below Mr. Zapfe to fill his jobs. Section 8.12.E of the Delegated Examining Operations Handbook (A Guide for Federal Agency Examining Units) published by the Office of Personnel Management permits the selection of a lower standing preference eligible even if the selectee has a lesser category of preference. The example used is that a 5 point veteran may be selected instead of a higher ranking compensable veteran as long as selection occurs within the Rule of Three. Section 8.12.C of the Handbook further states that an eligible who has been with reach for selection three times in accordance with the Rule of Three and who has been nonselected three times when other eligibles were selected instead may be eliminated from further consideration. If Bonneville Power Administration fills additional Carpenter vacancies, Mr. Zapfe is entitled to no further

consideration for such vacancies, unless he recompetes in the Carpenter examination and obtains a higher rating.

Mr. Zapfe also expresses concern about his numerical rating. Subject matter experts in the carpentry occupation rated the applicants who applied for the Carpenter announcement. Mr. Zapfe's score is based on the subject matter experts' assessment of his experience as described in his application. A higher score would not have provided Mr. Zapfe with a higher level of preference or consideration for Carpenter jobs.

A review of the delegated examining file for Carpenter shows that Mr. Zapfe received the preference and the consideration to which he is entitled in accordance with the Code of Federal Regulations and the Delegated Examining Operations Handbook. Mr. Zapfe is not, however, entitled to receive a job offer on the basis of his veteran's preference.

We appreciate the opportunity to provide Mr. Zapfe with an explanation of veteran's preference in the Federal hiring process, and we appreciate his interest in employment with Bonneville Power Administration.

Sincerely,

Steve Wright  
Acting Administrator,  
Bonneville Power Administration

**U.S. Department of Labor**

Office of the Assistant Secretary for  
Veterans' Employment and Training

PO Box 165  
Olympia, WA 98507-0165  
(360) 438-4600



October 25, 2001

Mr. Gene Tollefson  
Bonneville Power Administration  
PO Box 3621  
Portland, OR 98208-3621

RE: Ervien L. Zapfe, 10-WA-2002-00001-VP

Dear Mr. Tollefson:

This office is responsible for seeking compliance with the Veterans' Employment Opportunities Act of 1998. Mr. Ervien L. Zapfe has requested our advice and assistance in determining and exercising his Veterans' Preference rights in obtaining a position as a carpenter with the Bonneville Power Administration, under announcement number, BB-4607.

Mr. Zapfe states that he submitted an application and SF-15 attempting to gain employment as a carpenter with your agency. Further, he states that as a 10 point (CP) service connected disabled veteran he believes that his Veteran Preference was not properly applied during the selection process.

Please provide this office with the following information to assist us in completing our investigation in this matter.

A copy of the certificate of eligibles from which the selection for this position was made.  
A copy of Mr. Zapfe's application package from which his eligibility was determined.  
A listing of those selected for these positions and their respective veteran status.

Please review your records concerning Mr. Zapfe, and provide this office with a statement of your position on the issues of the case. A written response by November 8, 2001 would be appreciated.

Please contact this office at (360) 438-4600 if you have questions regarding this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Mercer".

Greg Mercer, Assistant Director  
Veterans' Employment and Training Service  
U.S. Department of Labor  
For Washington State





## Department of Energy

Bonneville Power Administration  
P.O. Box 3621  
Portland, Oregon 97208-3621

SHARED SERVICES

October 29, 2001

In reply refer to: CILR/4

Mr. Ervien Zapfe  
2106 NW 8<sup>th</sup> Avenue  
Battle Ground, WA 98604

Dear Mr. Zapfe:

Thank you for the letter of October 19 requesting documents under provisions of the Freedom of Information Act. The request has been logged in as #02-006.

The letter was forwarded from a representative of the Veterans' Administration, Mr. Greg Mercer, to Paula Jones. Ms. Jones is a Human Resources Specialist in the BPA Staffing center and subsequently was forwarded to me.

Specifically, you asked for documents indicating "not how you were passed over...but why I was passed over."

Additionally, you indicate a willingness to pay appropriate costs.

Ms. Susan P. Custard, Supervisory Human Resources Specialist, has been designated as Authorizing Official for your request. Ms. Custard has 20 working days, until November 27, to provide a response. Should you have any questions she may be reached at Mail Stop CHP/1 or by calling 503-230-3056.

Sincerely,

A handwritten signature in cursive script, reading "Gene Tollefson", is positioned above the typed name.

Gene Tollefson  
Freedom of Information Officer

bcc:

S. Custard - CHP/1  
C. Jacobson - LC/7

G. Tollefson - CILR/4  
Official File - CILR (EX 13-13, 02-006)

J. Bennett - LC/7

GTollefson:aal:4444:10/29/01 (CILR-H:\data\FOIA\Zapfe 1.doc)